

EXHIBIT 4

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA**

IN RE: DEPOSITION SUBPOENA)
SERVED UPON JAMES W. BALLARD,)
M.D.)
)
Non-party Movant,)

Case No. _____

Subpoena Arising from:

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE (WILMINGTON)**

IN RE: W.R. GRACE & CO.)
)
Case No. 01-1139

**MOTION TO QUASH SUBPOENA,
OR IN THE ALTERNATIVE MOTION FOR PROTECTIVE ORDER**

COMES NOW James W. Ballard, M.D., by and through his undersigned counsel, and hereby moves that this Court quash the subpoena for deposition, or in the alternative issue a protective order thereby limiting the deposition or staying the deposition during the pendency of a federal grand jury investigation underway in the United States District Court for the Southern District of New York. The deposition subpoena at issue was issued through the United States District Court for the Northern District of Alabama for the case of *In re: W.R. Grace & Co.*, in the United States Bankruptcy Court, District of Delaware (Wilmington), Case No. 01-1139. As grounds therefore, Dr. Ballard submits the following:

1. Memorandum of Law in Support of Motion to Quash Subpoena, or in the Alternative Motion for Protective Order;

2. Exhibit A: Deposition subpoena for James W. Ballard, M.D., from *In re: W.R. Grace & Co.*, in the United States Bankruptcy Court, District of Delaware (Wilmington), Case No. 01-1139;

3. Exhibits B-1, B-2, B-3, B-4 and B-5: Order No. 29 from *In re: Silica Products Liability Litigation*, in the United States District Court for the Southern District of Texas, Case No. 2:03-MD-1553;

4. Exhibit C: "*Civil Suits Over Silica in Texas Become a Criminal Matter in New York*," The New York Times, May 18, 2005;

5. Exhibit D: "*Diagnosing for Dollars*," Fortune Magazine, June 13, 2005;

6. Exhibit E: "*The Silicosis Sheriff*," The Wall Street Journal, July 14, 2005;

7. Exhibit F: "*Silicosis, Inc.*," The Wall Street Journal, October 27, 2005;

8. Exhibit G: "*What Did Those Asbestos X-Rays Really Show?*", The Wall Street Journal, November 5, 2005;

9. Exhibit H: "*Screening for Corruption*," The Wall Street Journal, December 2, 2005;

10. Exhibit I: Debtors' Emergency Motion for Leave to Take Discovery of Claimants' Attorneys;

11. Exhibit J: Opposition of the Official Committee of Asbestos Personal Injury Claimants to Debtors' Emergency Motion for Leave to Take Discovery of Claimants' Attorneys;

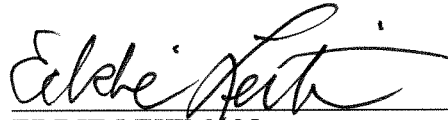
12. Exhibit K: Order Denying Debtors' Emergency Motion for Leave to Take Discovery of Claimants' Attorneys;

13. Exhibits L-1, L-2, L-3 and L-4: Motion of Asbestos Committee for Issuance of Protective Order to Prohibit Third-Party Depositions of Certain Medical Diagnostic Parties;

14. Exhibit M: *In re Owens Corning, et. al.*, United States Bankruptcy Court, District of Delaware, Case Nos. 00-3837 to 3854, Motion of Credit Suisse First Boston, as Agent, for Order Authorizing It to Commence an Adversary Proceeding on Behalf of the Debtors' Estates Against Certain Physicians Who Falsely Reported X-ray Readings as Positive for Asbestos-Related Impairment; and

15. Exhibit N: Affidavit of Frederick P. Hafetz, Esq.

Respectfully submitted,



EDDIE LEITMAN
ASB-7374-M69E



HUBERT G. TAYLOR
ASB-6384-Y59H

OF COUNSEL:

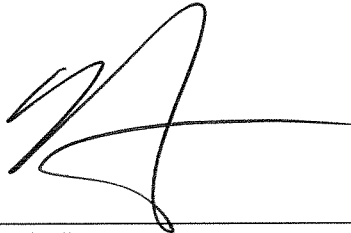
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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing upon the following counsel of record via FedEx overnight delivery, on this the 29th day of December 2005.

Amanda Basta, Esq.
Kirkland & Ellis, LLP
655 Fifteenth Street, N.W.
Washington, D.C. 20005-5793

Frederick P. Hafetz, Esq.
Hafetz & Necheles
500 Fifth Avenue, 29th Floor
New York, New York 10110.

A handwritten signature in black ink, appearing to be 'F. Hafetz', written over a horizontal line.

OF COUNSEL